



Senate

File No. 697

General Assembly

February Session, 2004

(Reprint of File No. 273)

Substitute Senate Bill No. 584
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 1, 2004

AN ACT CONCERNING THE DISCLOSURE OF VOICE MAILS UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 1-213 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Freedom of Information Act shall be:

4 (1) Construed as requiring each public agency to open its records
5 concerning the administration of such agency to public inspection; and

6 (2) Construed as requiring each public agency to disclose
7 information in its personnel files, birth records or confidential tax
8 records to the individual who is the subject of such information.

9 (b) Nothing in the Freedom of Information Act shall be deemed in
10 any manner to:

11 (1) Affect the status of judicial records as they existed prior to
12 October 1, 1975, nor to limit the rights of litigants, including parties to

13 administrative proceedings, under the laws of discovery of this state;
14 [or]

15 (2) Require disclosure of any record of a personnel search committee
16 which, because of name or other identifying information, would reveal
17 the identity of an executive level employment candidate without the
18 consent of such candidate; or

19 (3) Require any public agency to transcribe the content of any voice
20 mail message and retain such record for any period of time. As used in
21 this subdivision, "voice mail" means all information transmitted by
22 voice for the sole purpose of its electronic receipt, storage and
23 playback by a public agency.

24 Sec. 2. Section 46a-70 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) State officials and supervisory personnel shall recruit, appoint,
27 assign, train, evaluate and promote state personnel on the basis of
28 merit and qualifications, without regard for race, color, religious creed,
29 sex, marital status, age, national origin, ancestry, mental retardation,
30 mental disability, learning disability or physical disability, including
31 but not limited to, blindness, unless it is shown by such state officials
32 or supervisory personnel that such disability prevents performance of
33 the work involved.

34 (b) All state agencies shall promulgate written directives to carry
35 out this policy and to guarantee equal employment opportunities at all
36 levels of state government. They shall regularly review their personnel
37 practices to assure compliance.

38 (c) All state agencies shall conduct continuing orientation and
39 training programs with emphasis on human relations and
40 nondiscriminatory employment practices.

41 (d) The name and address of, and any related identifying
42 information concerning, a sexual harassment complainant in any

43 internal sexual harassment investigation conducted by an affirmative
44 action officer or other designated person on behalf of a state agency
45 shall be confidential and shall be disclosed only upon order of the
46 Superior Court, except the state agency (1) shall disclose the name of
47 the sexual harassment complainant to the accused during the state
48 agency's sexual harassment investigation, and (2) may disclose the
49 name of the sexual harassment complainant to other persons
50 participating in the state agency's sexual harassment investigation. For
51 purposes of this subsection, "state agency" has the same meaning as
52 "public agency" in section 1-200.

53 [(d)] (e) The Commissioner of Administrative Services shall insure
54 that the entire examination process, including qualifications appraisal,
55 is free from bias.

56 [(e)] (f) Appointing authorities shall exercise care to insure
57 utilization of minority group persons.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
All	All Appropriated Funds - None	None	None

Municipal Impact: None

Explanation

The bill, which states that nothing in the Freedom of Information Act requires any public agency to transcribe and retain records of voice mails, has no fiscal impact to the state. The provisions pertaining to the disclosure of identifying information concerning sexual harassment complainants have no fiscal impact on the state.

House "A" clarifies the disclosure of identifying information concerning sexual harassment complainants and has no fiscal impact.

OLR BILL ANALYSIS

sSB 584 (as amended by House "A")*

***AN ACT CONCERNING THE DISCLOSURE OF VOICE MAILS
UNDER THE FREEDOM OF INFORMATION ACT*****SUMMARY:**

This bill specifies that nothing in the Freedom of Information Act (FOIA) requires any public agency to transcribe or retain information transmitted by voice for the sole purpose of its electronic receipt, storage, and playback by a public agency. FOIA requires public agencies to make records that they maintain available to the public unless federal or state law, including FOIA exemptions, requires or allows them to be kept confidential.

The bill limits the circumstances under which a public agency can disclose the name or address, or any other identifying information of a complainant in a sexual harassment case that the agency is investigating internally. The agency must disclose (1) the complainant's name to the accused during the investigation and (2) any information pursuant to a court order. It may disclose the complainant's name to people participating in the investigation.

*House Amendment "A" adds the sexual harassment provision.

EFFECTIVE DATE: Upon passage

BACKGROUND***Voice-Mail Retention***

In General Letter 98-1, the state public records administrator advised public agencies that voice mail is generally transitory and may be deleted at will. She suggested that voice mail containing potential evidence in a trial, such as a bomb threat, might require a longer retention period.

In 2002, the Freedom of Information Commission issued a proposed

declaratory ruling (Draft Declaratory Ruling #94) that voice mail communications relating to the conduct of the public's business prepared, owned, used, received, or retained by a public agency are public records under FOIA. As such, the commission's proposal declared that these voice mail messages must be retained. On April 28, 2004, the Freedom of Information Commission decided not to issue a declaratory ruling on the issues raised in the draft ruling.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 10 Nay 6